

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	)	
	)	
AKERS, DOUGLAS W.	)	Examiner: Palabrica, R.J.
	)	
Serial No. 10/788,743	)	Group Art Unit: 3663
	)	
Filing Date: February 25, 2004	)	Conf. No.: 6111
	)	
For: METHOD FOR ON-LINE EVALUATION	)	
OF MATERIALS USING PROMPT	)	
GAMMA RAY ANALYSIS	)	
	)	
Atty. Dkt.: B-200	)	

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**  
**UNDER 37 CFR 41.37**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

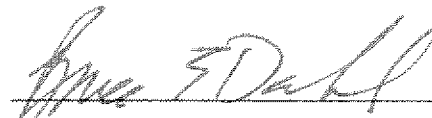
In response to the Office communication mailed on July 13, 2007, the appellant resubmits herewith a replacement section for the real party in interest. The revision did not result in a change in the pagination of the appeal brief and the replacement page can be inserted in the appeal brief without changing the page number of the remaining pages.

Therefore, appellant requests that the examiner reconsider and withdraw the grounds for non-compliance especially in light of appellant's revision in specific response to the examiner's request.

Respectfully submitted,

Date:

7-20-07



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**REAL PARTY-IN-INTEREST**

The assignee of the entire right, title, and interest in the patent application is Battelle Energy Alliance, LLC.